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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/674,136 | 10/26/2000 | Karola Hecker | P00,1838 | 2841 |
| 7590 08/25/2004 McCormick, Paulding & Huber LLP CityPlace II 185 Asylum Street Hartford, CO 06103-3402 | | | EXAMINER NGUYEN, HAI V | |
| | | | ART UNIT 2142 | PAPER NUMBER |

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/674,136

Applicant(s)

HECKER ET AL.

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the communication received on 04 May 2004.
2. Claims 9-17 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 9-17 are rejected under 35 U.S.C. 102(e) as being anticipated by **Falcon et al.** U.S. patent no, **6,295,556 B1**.

5. As to claim 9, Falcon, Method And System For Configuring Computers To Connect To Networks Using Network Connection Objects, teaches substantially the invention as claimed, including a facility control component (*connection manager 76*) of a computer system that controls establishment of a system component of the computer system, comprising:

means for first taking information from a facility table (*Fig. 5, item 96, connection folder*) regarding what communication channel type (*object class*) for the system

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components (*Fig. 5, item 54, 64; system devices like LAN adapter, modem*) is to be established for which system component type (*col. 1, line 50 col. 2, line 22*);

means for determining system components of said type present in the system (*Fig. 8, item 800-808; col. 8, lines 27-54*); and

means for generating facility data with reference to which said system components and the identified system components implement establishment of said channel type (*Fig. 7; col. 7, lines 1-45*).

6. As to claim 10, Falcon teaches, wherein the facility component controls the establishment of a system component in at least one of the run-up and during operation of the computer system (*col. 5, line 64 – col. 6, line 14*).

7. As to claim 11, Falcon teaches wherein the facility table has been generated offline (*col. 5, lines 4-30*).

8. As to claim 12, Falcon teaches, wherein the system component comprises processor platform (*Fig. 6, MSN platform, or Office platform, col. 6, lines 29-43*).

9. As to claim 13, Falcon teaches a facility control component of a computer system that controls establishment of a system component, comprising:

a facility table from which the facility component takes information regarding which communication channel type or types are to be established for which system component type to be established at which system component type or at which system component types (*Fig. 5, item 96; Fig. 6*).

10. As to claim 14, Falcon teaches a facility control component of a computer system that controls establishment of a system component comprising:

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a facility table according to which the facility component controls establishment of communication channels between the system component to be established and remaining system components; and

the facility table having

a first column (*Fig. 6, column "device name"*) that indicates possible types of system components that can be established,

a second column (*Fig. 6, column "Type"*) that indicates the system component types for which a system component type from the first column can have a communication relationship, and

a third column (*Fig. 6, column "Connector Name"*) that indicates the type of communication channel that is to be established between the system component types of the first and second column.

11. Claim 15 recites similar limitations of claim 1; therefore, it is rejected for the same reason as in rejection in claim 1.

12. As to claim 16, Falcon teaches a method for generating a facility table with assistance of which establishment of communication channels between system components of a computer system is controlled comprising the steps of:

at a design time, implementing a static declaration of a type of networking of system components wherein a declaration is made as to what system component type is to be established and which communication channel type is or types are to be established for which system component type (*Falcon teaches to replace the static network configuration model with a model of networking that is connection-based, col. 1,*

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lines 55-57; col. 2, lines 5-25); and producing a facility table at system building time based on said static declaration (Fig. 5; item 96; col. 2, lines 5-25; col. 5, lines 4-51; col.6, lines 15-62).

13. Claim 17 has similar limitation of claim 12; therefore, it is rejected under the same rationale as in claim 12 above.

Response to Arguments

14. Applicant's arguments received on 04 May 2004 have been fully considered but they are not deemed to be persuasive.

15. In the remark, Applicant argued in substance that:

Point (A), the prior art does not disclose "such establishment of a permanent communication channel" in claims 9, 15.

As to point (A), In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a **permanent communication channel**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Point (B), the prior art does not disclose "'a facility table' from which the facility component takes information regarding which communication channel type or types are to be established for which system component type or types" in claims 13, 14.

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As to point (B), the prior art discloses the connection folder (*Falcon, Fig. 5*) which is equivalent of "the facility table" because they both include the communication channel type(s) are to be established for which system component type(s) (*Falcon, Fig. 6*).

Point (C), the prior art does not disclose "a facility control component that controls the establishment of communication channels between system components" in claim 14.

As to point (C), Falcon discloses a connection manager 78 which is equivalent of "the facility control component" because these both interfacing with user have the similar functionality of controlling or managing the establishing of communication channels.

Point (D), the prior art does not disclose, "taking information regarding communication channel type from the facility table" in claim 15.

At point (D), Falcon discloses in Fig. 5, the information regarding communication channel type (*Falcon, Fig. 6, column of LAN, modem*) obtained from the connection folder.

Point (E), the prior art does not disclose, "implementing a static declaration of a type of networking of system components" in claim 16.

As to point (E), Falcon also discloses in Fig. 4 that the various networking information may be obtained from a user interface, such as a user interface presented as a wizard process 88 and/or one or more property sheet 90 having modifiable values thereon. The wizard process offers the options set forth in the following table (*Falcon, col. 5, lines 4-30*). Falcon also discloses in Fig. 11 that the user is able to implement a

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static declaration of a type of networking of system components (*Falcon, Fig. 11, from item 118 through item 1112*).

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hai V. Nguyen
Examiner
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JACK B. HARVEY
SUPERVISORY PATENT EXAMINER